

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

\$101, 994.00 U.S. CURRENCY;
2015 Mercedes Benz S63s AMG
VIN: WDDXJ7JB6FA001358

NO. 3:23-MC- 74

Defendants *in rem*.

**UNOPPOSED MOTION TO EXTEND
TIME TO FILE JUDICIAL FORFEITURE ACTION**

The United States of America and Claimant Grisell Guzman, through attorney of record, Arnold Spencer, along with consent from attorneys for family members, legal guardians, and legal representatives of U.S. citizens killed in Mexico by the Juarez Cartel in 2019 who obtained a \$4.6B judgment against the Cartel in *Miller v Juárez Cartel*, 1:20-cv-00132 (D.N.D. June 24, 2022) (Juarez Cartel victims), authorized by 18 U.S.C. § 983(a)(3)(A), move the court to extend the time in which the United States is required to file a complaint for civil judicial forfeiture from April 29, 2024 to July 31, 2024 regarding property to which a claim has been filed by the claimant in an administrative forfeiture proceeding with the Drug Enforcement Administration (DEA), and in support state:

1. The seized property in the custody of the DEA is described as:

- a. \$101,994.00 in U.S. currency;
 - b. 2015 Mercedes Benz S63s AMG Sedan VIN:
WDDXJ7JB6FA001358 (“the property”);
2. On May 31, 2023, DEA Dallas officers seized the property from Alexis Rivera Padua aka Oscar David Hernandez at his residence at 1702 Meadowbrook Lane, Irving, TX.
3. The DEA has sent the written notice of intent to forfeit required by 18 U.S.C. § 983(a)(1)(A) to interested parties.
4. Grisell Guzman filed an administrative claim on August 28, 2023.
5. The Juarez Cartel victims filed an administrative claim on September 13, 2023.
6. According to 18 U.S.C. § 983(a)(3)(A)-(C), the United States is to file a judicial forfeiture action not later than 90 days after a claim has been filed or return the seized property pending such filing, except that a court may extend the filing period for good cause shown or upon agreement of the parties.
7. Pursuant to 19 U.S.C. §§ 1603-04, the seizing agency transmitted the claim to the United States Attorney’s Office to pursue a judicial forfeiture action against the property.
8. The 90-day period that began with the claim(s) filed by Guzman expired on November 24, 2023. However, the parties agreed to extend the time for filing a judicial action to and including February 28, 2024. The parties agreed to further extend the

deadline for filing to April 29, 2024. Prior to April 29, 2024, the parties agreed to a further extension until July 31, 2024.

9. After consultation with counsel for the Claimants, the United States requests an order of court to extend the time for filing a judicial action to and including July 31, 2024 to allow additional time for the parties to explore an agreed early resolution of this case.

Conclusion

Therefore, the parties request an order to extend the filing period for a judicial forfeiture action to and including July 31, 2024.

Respectfully submitted,

LEIGHA SIMONTON
UNITED STATES ATTORNEY

/s/ Elyse J. Lyons
Elyse J. Lyons
Assistant United States Attorney
Texas Bar No. 24092735
1100 Commerce Street, Third Floor
Dallas, TX 75242-1699
Telephone: 214-659-8774
E-mail: elyse.lyons@usdoj.gov

CERTIFICATE OF CONFERENCE

This is to certify that I have conferred with counsel for the Claimant, Arnold Spencer, and understand he is not opposed to the relief sought by this motion. I further understand that counsel for the Juarez Cartel victim claimants, based on an omnibus agreement regarding all claims filed across jurisdictions on behalf of their clients, are not opposed to the relief sought by this motion.

/s/ Elyse J. Lyons

Elyse J. Lyons

Assistant United States Attorney